

# SHORTHAND REPORTING

*Charles J. Tanager*  
**FILED**

*September 20, 2010*

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF COURT REPORTING

IN THE MATTER OF

**ANGELICA ZAGAR, C.C.R.**

Certificate No: 30XI00217500

TO PRACTICE COURT REPORTING  
IN THE STATE OF NEW JERSEY

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:  
: Administrative Action  
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:  
: FINAL ORDER  
: OF DISCIPLINE  
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This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of information that the respondent Angelica Zagar, C.C.R., had failed to complete a minimum of fifteen (15) credits of continuing court reporting education courses during the period of July 1, 2006 to June 30, 2008 required for biennial license renewal pursuant to N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2. The Board has reviewed relevant documents on which the following findings of fact and conclusions of law are made:

## FINDINGS OF FACT

1. Respondent is a certified court reporter in the State of New Jersey and has been a certificate holder at all times relevant hereto.

2. N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) require that certificate holders complete fifteen (15) continuing education credits for biennial certification renewal. N.J.A.C. 13:43-7.1(a) specifically requires that the certificate holder complete the required credits during the preceding biennial period. Therefore, for the biennial renewal period of 2008-2010, certificate holders were required to complete fifteen (15) continuing education credits during the period of July 1, 2006 to June 30, 2008.

3. In or about January 2009, the Board initiated a random audit of renewal applications for the 2008-2010 period, asking those randomly selected certificate holders to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifteen (15) credits of continuing education.

4. Respondent submitted information which indicated that she had not completed any of the requisite continuing education credits during the allotted time period of July 1, 2006 to June 30, 2008.

5. The Board, at its January 2009, granted the respondent a six (6) month extension to fulfill the requirement of the completion of fifteen (15) continuing education credits. He/She has now submitted documentation that demonstrates that

he/she has satisfied the requirement but not within the time period required by law.

#### CONCLUSIONS OF LAW

1. Respondent failed to satisfy the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a) with regard to the timely completion of the required number of continuing education credits for the 2008-2010 renewal period and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), namely, the failure to comply with the provisions of an act or regulation administered by the Board. The Board finds that this conduct constitutes grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for sanction pursuant to N.J.S.A. 45:1-25.

#### DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which provisionally imposed a formal reprimand and a civil penalty totaling \$1,500.00, was entered on September 28, 2009, and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the

stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order, the respondent requested a modification or dismissal of said findings and conclusions, and alternatively requested elimination or reduction of the \$1,500.00 civil penalty in a letter dated October 19, 2009. Specifically, Ms. Zagar detailed her family's financial difficulties and requested that the proposed civil penalty be rescinded because, during the current economic conditions, its imposition would constitute a financial hardship for her family. The Board, at its November 2009 meeting, requested that the respondent provide more detailed information regarding her economic status.

Respondent's additional submissions were reviewed by the Board at its March 15, 2010 meeting. Based upon the reviewed submissions, the Board determined that Ms. Zagar had demonstrated the requisite good cause, required by N.J.S.A. 45:15B-3.3, for a waiver of the required continuing education for the 2006-2008 licensure period for reasons of economic hardship. Thus, the

Board determined that the provisionally imposed civil penalty should be rescinded.

Additionally, the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was persuaded that the submitted materials satisfied the waiver requirements as detailed in N.J.S.A. 45:15B-3.3. Thereafter, the Board voted to finalize the Provisional Order with modifications.

ACCORDINGLY, IT IS on this 31<sup>ST</sup> day of

AUGUST 2010 ORDERED that:

1. Respondent Angelica Zagar, C.C.R., is hereby formally reprimanded for failing to timely complete the required number of continuing education credits, in violation of N.J.S.A. 45:1-21(h), N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1(a).

2. The provisional imposition of a civil penalty, in the amount of \$1,500.00, is hereby rescinded.

NEW JERSEY STATE BOARD  
OF COURT REPORTING

By: 

MARIANNE CAMMAROTA, C.C.R.  
President